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OUTLINE TO BE FOLLOWED IN THE PREPARATION OF
BASIC MEMORANDA ON STATE LAWS AFFECTING R.E.A.

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FOREWORD

The outline that follows is designed to be a guide in the preparation of basic memoranda on state laws affecting REA. Inasmuch as there is an obvious advantage in having these memoranda follow a uniform pattern, it is desirable that the outline be adhered to as closely as possible. Where an examination of the statutes or of the decisions of a particular jurisdiction reveals the existence of important local problems, a discussion of which would not come under any heading of the outline, additional headings will necessarily have to be added.

It will be noted that the outline is divided into eleven parts. In the interest of expediency it is desirable to prepare the memorandum part by part, treating first the subjects for which there is an immediate need. It is suggested that each part commence on a separate page so that new parts may be inserted or parts may be deleted or revised without disturbing the continuity of the memorandum.

Inasmuch as it is sometimes important to determine the exact date to which investigation of a particular problem has been carried, and as the date of the writing of a memorandum will not always coincide with the former date, it is desirable to have at the end of each part a statement showing the date to which the research was carried.

During the course of the investigation it is very likely that texts, treatises or law review articles dealing with apposite subjects of the laws of a particular jurisdiction will be found, a consultation of which might be helpful in connection with the further investigation of the laws of that jurisdiction. For instance, there exist a

number of treatises dealing with the corporate law and practice of certain states such as, White on New York Corporations. Hence the outline might be prefaced by a page upon which would appear references to material that might be deemed valuable and helpful.

in collecting from such a source with the public need least to suspect
it would be undertaken with the intent to obtain private information
and the consequences could easily prove a fit incentive of public opinion
and the editor of another paper as well as that of some

I. Private Corporations.

A. Cooperative Associations or Corporations.

(Note: If more than one law available for our purpose, analyze each one separately under the following sub-heads. If one or more laws exist but are not available, give citations and reasons for non-availability.)

1. Dates and citations of relevant statutes and constitutional provisions.
2. Purposes.
3. Powers.
 - (a) Powers available.
 - (b) Important restrictions thereon including debt limitations.
4. Number and qualifications of incorporators.
5. Membership or stock provisions.
 - (a) Qualifications of members.
 - (b) Right to deal with non-members.
 - (c) Miscellaneous matters.
6. Contents of articles of incorporation.
7. Statutory requirements (if any) as to provisions of By-laws.
8. Organization of corporation.
 - (a) Execution of articles, etc.
 - (b) Filing of articles.
 - (c) Recording of charter.
 - (d) Other steps necessary to perfect incorporation.
 - (e) Adoption of By-laws, election of officers and other acts incident to organization meeting.

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9. Directors.
10. Prerequisites to doing business.
 - (a) Amount of paid-in capital.
 - (b) Amount of subscriptions.
 - (c) Miscellaneous matters.
11. Corporate meetings.
 - (a) Notice.
 - (b) Quorum.
 - (c) Proxies.
12. Procedure for amendment of Articles and By-laws.
13. Taxes and fees.
 - (a) Applicable impositions.
 - (b) Exemptions.
14. Annual reports.
15. et seq. Other provisions, such as restriction on corporate name, if any, distribution of surplus earnings, etc.

B. Non-Profit Corporations Other than Cooperative.

(Note: Analyze according to sub-heads as above under I, A, only if there is no competent cooperative statute available.)

C. Corporations for Profit.

(Note: Analyze as above only if no competent co-operative or non-profit statute available. Make recommendation as to devices, possible under the law, for securing democratic control by consumers and other incidents of co-operative operation.)

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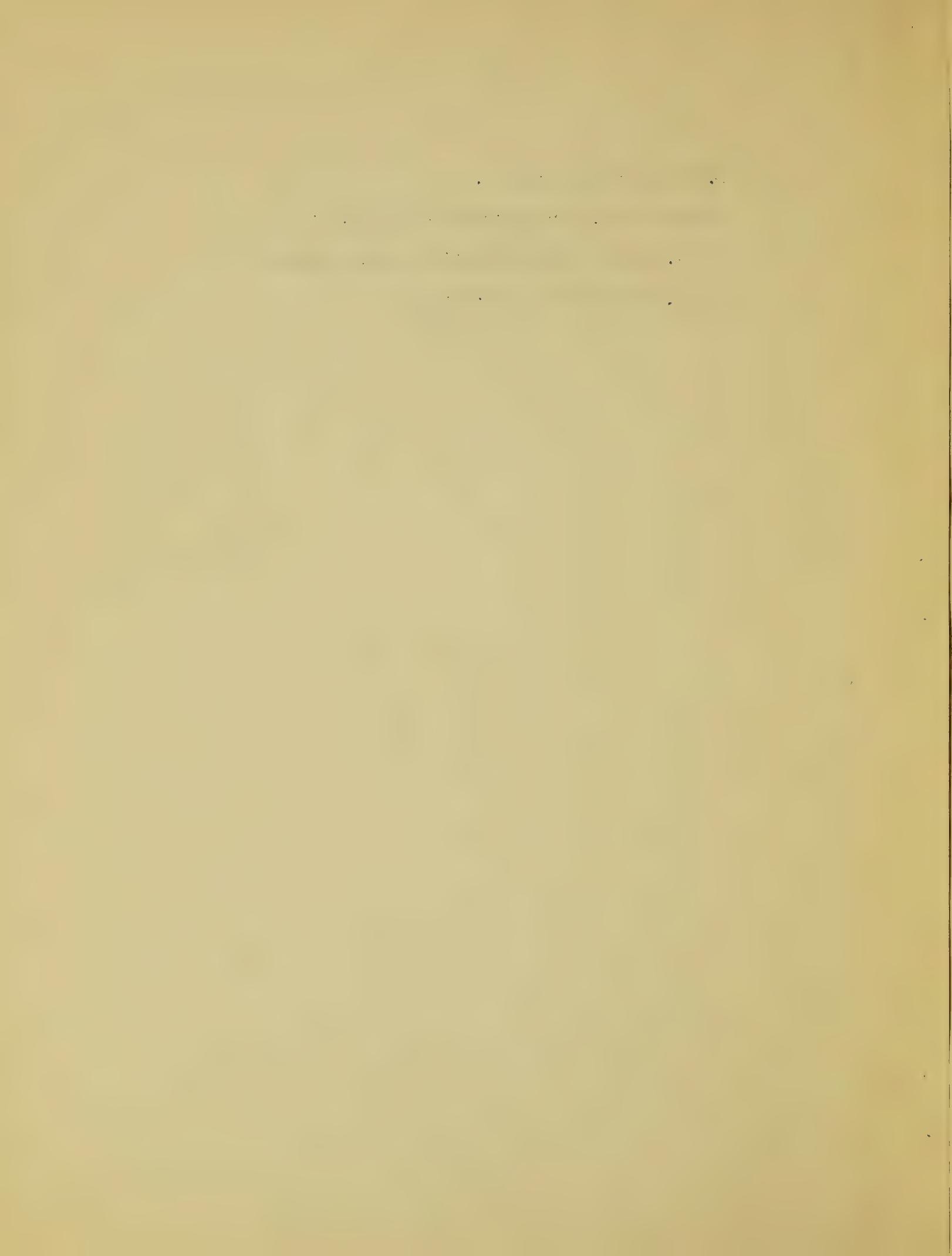
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D. Foreign Corporations.

(Note: Analyze only where necessary.)

1. Rights and restrictions on doing business.
2. Procedure for qualifying.



III. Municipalities.

(Note: If the legislation differs as to various types of municipalities either analyze each type separately or indicate differences underneath heading.)

- A. Dates and Citations of Relevant Statutes and Constitutional Provisions.
- B. Power to Engage in Electric Business.
- C. Power to Build and Operate Rural Extension.
 - 1. In general.
 - 2. Limitations.
 - (a) Territorial limitations.
 - (b) Other provisions.
- D. Financial Matters.
 - 1. Debt Limitations, if applicable.
 - (a) Is interest included for the purpose of computing the amount authorized?
 - 2. Types of obligations a municipality may assume, i.e. notes, bonds, revenue bonds, etc.
 - (a) Nature of security supporting each type of obligation.
 - (b) Procedure for issuance of obligation and security.
 - 3. Power to levy taxes and assessments.
 - 4. Miscellaneous matters.

III. Power Districts, Irrigation Districts or Similar Public Bodies.

A. Powers, Organization, etc.

1. Dates and citations of relevant statutes and constitutional provisions.
2. Procedure for organization (terse outline).
3. Powers (discuss fully).
 - (a) What are the powers?
 - (b) Who may exercise?
4. Statutory provisions affecting territory of district.
 - (a) In general.
 - (b) Extension of territory.

B. Financial Matters.

(Note: Follow the outline on "Financial Matters" of municipalities, II. D. *supra*, as closely as possible.)

C. Advantage or Disadvantage of Power District Compared with Other Types of Borrower.

IV. Rural Electrification Authority or Similar Agency.

(Note: Analyze statute creating authority following above outline as to power districts, etc. as closely as possible. Also discuss relationship to Public Service Commission or other state agencies.)

V. Note and Mortgage.

(Note: Except in so far as discussed under "Financial Matters" of public bodies.)

A. Matters of Form and Procedure Based on Statute or State Practice, Including the Following Topics:

1. Whether mortgage or deed of trust more commonly used and relative advantage as to power of sale, waiver of redemption, etc.
2. Whether note or bond is more commonly used as evidence of indebtedness.
3. Description of property in mortgage.
4. Is authorization of stockholders or members necessary to issuance and execution of notes, bonds, mortgages or deeds of trust as the case may be?
5. Form of execution, witnesses, etc.
 - (a) Real property mortgage.
 - (b) Chattel mortgage.
6. Form of acknowledgment.
 - (a) Real property mortgage.
 - (b) Chattel mortgage.
7. Recording as real estate mortgage.
8. Recording and re-recording as chattel mortgage.
9. Is reference to mortgage, real or chattel, required in note?
10. Are there any special provisions as to form of mortgage assignment?
11. Miscellaneous questions not covered above.

B. Matters of Substance Based on Statute or State Practice, Including the Following Topics:

1. Open end mortgages.
2. After acquired property clauses.
3. Debt limitations of private corporations.

(Note: Cross-reference to previous discussion
with such additional comments as appear
to be necessary.)

4. Miscellaneous questions not covered above.

C. Are Electric Distribution Lines Real or Personal
Property?

VI. Jurisdiction of Regulatory Bodies.

A. Public Service Commission or Similar Body.

1. Jurisdiction over particular types of borrowers.
 - (a) Private corporations not public utilities.
 - (b) Public utilities.
 - (c) Public bodies or agencies.
2. Jurisdiction and procedure as to:
 - (a) Certificates of Convenience and Necessity.
 - (b) Issuance of securities.
 - (c) Rates and service rules.
 - (d) Standards of construction.
 - (e) Miscellaneous matters.

B. Commission Administering Blue-Sky Laws.

1. Exemptions from qualification.
2. Substantive provisions as affecting:
 - (a) Note (or other obligation) and mortgage.
 - (b) Stock or membership certificates.
3. Procedure.

VII. Highway Permits.

- A. Necessity for Obtaining Permits and Procedure for Acquiring as to:
 - 1. State highways.
 - 2. County highways.
 - 3. Township highways.
 - 4. Other political subdivision highways.
- B. If Use of Highways Restricted to Public Utilities
May Wires of Cooperative Cross Highway?

VIII. Easements.

- A. Are Lines in the Highways Addotinal Servitudes?
 - 1. Does abutting owner have right to ejectment or is he restricted to damages?
- B. Requirements as to Form or Substance.
 - 1. Form of warranty or special requirement.
 - 2. Manner of execution -- witnesses, form of acknowledgment, etc.
 - 3. Necessity for joinder by wife.
- C. Recordation.
- D. Miscellaneous matters.

IX. Eminent Domain.

- A. Who May Exercise?
- B. Relation to Public Service Commission Jurisdiction.
- C. Procedure to be Followed.

(Note: In view of the fact that this power will be exercised only in rare instances, it is suggested that if the procedure is at all complicated, a discussion of such procedure be postponed until the need for such a discussion arises.)

X. Purchase of Wholesale Energy.

- A. Power of Municipalities to Sell Energy to Other Distributing Agencies.
 - 1. Energy generated by the municipality.
 - (a) Present surplus.
 - (b) Energy to be derived from increase of plant.
 - 2. Energy purchased by municipality from others.
 - 3. Point of delivery -- within or without the municipality.
- B. Power of Other Public Bodies or Agencies to Sell Energy to Other Distributing Agencies.
- C. Power of Private Corporations to Sell Energy to Other Distributing Agencies.

XI. Wiring and Plumbing Loans.

A. Statutory or Implied Powers to Finance and/or Enter into Contracts to Furnish Wiring and Plumbing, Including Power to Extend Credit to Members or Stockholders.

(Note: State any limitations with reference to any of the following types of organization.)

1. Cooperative associations.
2. Non-profit corporations.
3. Corporations for profit.
4. Public bodies.

B. Limitations on Foreign Corporations to Finance and/or Enter into Contracts to Furnish Wiring and Plumbing.

C. Statutory Provisions as to Inspection of House Wiring.

D. Any Other Relevant Matters.

development of human culture. Let us now go ahead and get ready to interpret the
data which has been collected on the course of the life of human society. This will be
done in the next section. But first let us review what we have learned about the
basic patterns of human behavior and the major political, economic, and cultural
institutions that have been developed by man over the course of his history.

Human society is basically divided into two main types, nomadic and settled. The nomadic type is characterized by a lack of permanent residence, the absence of agriculture, and the use of simple tools and implements. The settled type, on the other hand, is characterized by a permanent residence, the use of agriculture, and the use of more advanced tools and implements. The nomadic type is found in the Americas, Africa, and Asia, while the settled type is found in Europe, the Middle East, and Australia.

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